

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-10 are presently pending in this case. Claims 1-3, 9, and 10 are amended and Claims 11-20 are canceled without prejudice or disclaimer by the present amendment. As amended Claims 1-3, 9, and 10 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, the specification was objected to; Claim 2 was rejected under 35 U.S.C. §112; Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as unpatentable over Hansen et al. (U.S. Patent No. 7,103,018, hereinafter “Hansen”) in view of Meenan et al. (U.S. Patent No. 7,313,384, hereinafter “Meenan”); Claims 1-3, 6, 7, 9-11, 14, 15, 19, and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Hansen in view of Meenan and further in view of Gassho et al. (U.S. Patent Application Publication No. 20030092395, hereinafter “Gassho”); Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Hansen in view of Gassho; Claims 11, 14, 15, 19, and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Meenan in view of Gassho; Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Hansen in view of Meenan and Gassho and further in view of Mikel et al. (U.S. Patent Application Publication No. 20030079143, hereinafter “Mikel”); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Hansen in view of Meenan and Gassho and further in view of Kuan et al. (U.S. Patent Application Publication No. 20030224797, hereinafter “Kuan”); Claims 12, 13, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Meenan in view of Gassho and further in view of Kuan; Claim 16 was rejected under 35 U.S.C. §103(a) as unpatentable over Meenan in view of Gassho and further in view of Kameda (U.S. Patent No.

¹See, e.g., the publication of the specification at paragraph 120.

5,940,772); and Claim 18 was rejected under 35 U.S.C. §103(a) as unpatentable over Meenan in view of Gassho and further in view of Yoshizawa (European Patent Application Publication No. 0 311 112).

With regard to the rejections of Claims 11-20, Claims 11-20 are canceled without prejudice or disclaimer, making these rejections moot.

With regard to the objection to the specification, it is respectfully submitted that one of ordinary skill in the art would recognize the “computer readable medium” recited in claim 10 is supported by the “recording medium” described in the specification. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejection of Claim 2 under 35 U.S.C. §112, Claim 2 is amended to replace “reunification apparatus” with “radio communication apparatus.” Accordingly, Claim 2 is in compliance with all requirements under 35 U.S.C. §112.

With regard to the rejection of Claim 1 as unpatentable over Hansen in view of Meenan, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a first radio communication apparatus in which first information for identification of a radio network and second information regarding the security are set in advance as communication information necessary for communication through said radio network, ***said first radio communication apparatus including a switch***; and

a second radio communication apparatus configured to communicate with said first radio communication apparatus by radio communication through said radio network;

said second radio communication apparatus configured to transmit request information for requesting for transmission of the communication information to said first radio communication apparatus by radio communication;

said first radio communication apparatus configured to transmit the first and second information as a response to the request information transmitted thereto from said second radio communication apparatus ***when said switch is actuated for less than a predetermined period of time, and said first radio communication apparatus is configured to transmit the first and second information to the second radio communication***

apparatus without receiving the request information when said switch is actuated for more than the predetermined period of time;

said second radio communication apparatus configured to set the first and second information transmitted thereto from said first radio communication apparatus as the communication information;

said first and second radio communication apparatuses configured to utilize the communication information individually set therein to communicate with each other by radio communication.

Hansen describes a wireless system including a communication terminal 100 and a server 220.² The outstanding Office Action apparently cited server 220 of Hansen as “a first radio communication apparatus” and terminal 100 of Hansen as “a second radio communication apparatus.”³ However, it is respectfully submitted that server 220 of Hansen ***always waits for a request*** 120 from terminal 100 were sending data 130. Hansen does not describe that server 220 sends data 130 to terminal 100 without receiving the request 120 first. Further, Hansen does not describe any switch which, when actuated for greater than a predetermined period of time, causes the server 220 to transmit data 130 to the terminal 100 ***without*** receiving the request information 120. Thus, it is respectfully submitted that Hansen does not teach or suggest “a first radio communication apparatus” including “a switch” as defined in amended Claim 1.

Further, Meenan describes a system including a gateway 115 and wireless devices 112.⁴ The outstanding Office Action apparently cited gateway 115 of Meenan as “a first radio communication apparatus” and devices 112 of Meenan as “a second radio communication apparatus.”⁵ However, it is respectfully submitted that Meenan does not teach or suggest that gateway 115 includes any switch which, when actuated for greater than a predetermined period of time, causes the gateway 115 to transmit any information to the

²See Hansen, Figure 1 and column 8, lines 41-52.

³See the outstanding Office Action at page 2, line 16 to page 3, line 4.

⁴See Meenan, Figure 1 and column 5, lines 6-19.

⁵See the outstanding Office Action at page 2, line 16 to page 3, line 4.

devices 112 **without** receiving request information. Thus, it is respectfully submitted that Meenan also does not teach or suggest “a first radio communication apparatus” including “a switch” as defined in amended Claim 1.

Moreover, Hansen describes a system for efficient communication between server 220 and terminal 100 where terminal 100 always sends request 120 which includes a communication terminal identification number for identifying the terminal 100. The use of this communication terminal identification number allows the device of Hansen to reduce message overhead. Modifying Hansen to create the claimed invention would eliminate the sending of request 120 including the communication terminal identification number. As such a combination would make the device of Hansen unsuitable for its intended purpose, there can be no suggestion or motivation to make such a combination, in accordance with *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP §2143.01.

Consequently, as the proposed combination does not teach or suggest “a first radio communication apparatus” including “a switch” as defined in amended Claim 1, and there is no suggestion or motivation to make the proposed combination, Claim 1 is patentable over Hansen in view of Meenan.

Amended Claim 2 recites in part “transmitting the first and second information from said first radio communication apparatus to the second radio communication apparatus without receiving request information when a switch of said first radio communication apparatus is actuated for more than a predetermined period of time.”

As noted above, neither Hansen nor Meenan describe sending any information from a first radio communication apparatus to a second radio communication apparatus without receiving request information when a switch of said first radio communication apparatus is actuated for more than a predetermined period of time. Further, there is no suggestion or motivation to make the proposed combination. Consequently, as the proposed combination

does not teach or suggest “transmitting the first and second information” as defined in amended Claim 2, and there is no suggestion or motivation to make the proposed combination, Claim 2 is patentable over Hansen in view of Meenan.

Amended Claim 3 recites in part:

switching means for selecting a first mode or a second mode;

setting means in which first information for identification of said radio network and second information regarding the security are set as communication information necessary for communication through said radio network; and

transmission control means for controlling, when request information for requesting for transmission of the communication information is received from said different radio communication apparatus by radio communication, transmission of the first and second information to said different radio communication apparatus as a response to the request information by radio communication ***in the first mode***, and transmitting the first and second information from said radio communication apparatus to the different radio communication apparatus ***without receiving request information in the second mode***.

With regard to Hansen, it is respectfully submitted that server 220 of Hansen ***always waits for a request*** 120 from terminal 100 were sending data 130. Hansen does not describe that server 220 sends data 130 to terminal 100 without receiving the request 120 first. Further, Hansen does not describe any switching means for selecting a first mode or a second mode, much less any “transmission control means” as defined in amended Claim 3. Further, it is respectful submitted that Meenan does not cure these deficiencies of Hansen. Finally, there can be no suggestion or motivation to make such a combination of Hansen and Meenan, as noted above. Consequently, as the proposed combination does not teach or suggest “switching means” and “transmission control means” as defined in amended Claim 3, and there is no suggestion or motivation to make the proposed combination, Claim 3 (and Claims 4-8 dependent therefrom) is patentable over Hansen in view of Meenan.

With regard to the rejection of Claim 8 as unpatentable over Meenan in view of Gassho and further in view of Mikel, it is noted that Claim 8 is dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Mikel does not cure any of the above-noted deficiencies of Meenan and Gassho. Accordingly, it is respectfully submitted that Claim 8 is patentable over Meenan in view of Gassho and further in view of Mikel.

Claims 9 and 10 recite in part:

selecting a first mode or a second mode;
controlling, when request information for requesting for transmission of communication information necessary for communication through said radio network is transmitted from said different radio communication apparatus to said radio communication apparatus by radio communication, transmission of first information for identification of said radio network and second information regarding the security set as communication information in said radio communication apparatus in advance by radio communication from said radio communication apparatus to said different radio communication apparatus as a response to the request information ***in the first mode***, and transmitting the first and second information from said radio communication apparatus to the different radio communication apparatus ***without receiving request information in the second mode***.

As noted above, it is respectfully submitted that server 220 of Hansen ***always waits for a request*** 120 from terminal 100 were sending data 130. Hansen does not describe that server 220 sends data 130 to terminal 100 without receiving the request 120 first. Further, Hansen does not describe selecting a first mode or a second mode, much less controlling transmission based on the mode as defined in amended Claims 9 and 10. Further, it is respectful submitted that Meenan does not cure these deficiencies of Hansen. Finally, there can be no suggestion or motivation to make such a combination of Hansen and Meenan, as noted above. Consequently, as the proposed combination does not teach or suggest “selecting” and “controlling” as defined in amended Claims 9 and 10, and there is no

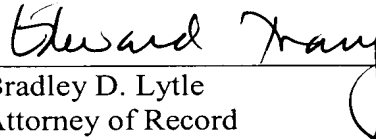
Application No. 10/816,843
Reply to Office Action of August 21, 2008

suggestion or motivation to make the proposed combination, amended Claim 9 and 10 are also patentable over Hansen in view of Meenan.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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